NPT/CONF.2015/2

2015 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

Distr.: General
13 January 2015

Original: English

New York, 27 April-22 May 2015

Activities of the African Commission on Nuclear Energy relating to the African Nuclear-Weapon-Free Zone Treaty

Memorandum of the African Union Commission

The African Nuclear-Weapon-Free Zone Treaty, also known as the Treaty of Pelindaba, was signed in Cairo on 11 April 1996 and entered into force on 15 July 2009. The Treaty, for which the Chair of the African Union Commission is the depositary, prohibits the development, manufacture, stockpiling, acquisition, testing, possession, control or stationing of nuclear explosive devices in the Zone territory of States parties and the dumping of radioactive waste in the African Zone. It also prohibits any attack against nuclear installations in the Zone by the parties and requires them to maintain the highest standards of physical protection of nuclear material, facilities and equipment, which are to be used exclusively for peaceful purposes.

The Treaty has three Protocols: the first two commit States parties not to use or threaten to use a nuclear device against any territory within the African Nuclear-Weapon-Free Zone, as well as not to undertake, assist or encourage the testing of any nuclear explosive device anywhere within the Zone. These two Protocols are open for signature by the five recognized nuclear-weapon States.

The third Protocol, which is open for signature by France and Spain, concerns the territories for which they are de jure or de facto internationally responsible, and which are situated within the Zone. The Protocol commits them not to contribute to any act that constitutes a violation of the Treaty.

African Commission on Nuclear Energy

Article 12 of the Treaty of Pelindaba establishes the African Commission on Nuclear Energy as the body responsible for, inter alia, ensuring States parties' compliance with their obligations under the Treaty and the Protocols thereto and promoting cooperation in the peaceful, safe and secure uses of nuclear science and technology in the continent, as well as advancing global disarmament and non-proliferation efforts.

Since the entry into force of the Treaty, the Commission of the African Union has served as the transitional secretariat for all related matters pending the

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operationalization of the secretariat of the African Commission on Nuclear Energy, and thus facilitated and supported the convening of the various related decision-making forums. These include four ordinary sessions of the African Commission on Nuclear Energy and two Conferences of States Parties to the Treaty.

First Conference of States Parties to the Treaty of Pelindaba

The First Conference of States Parties to the Treaty was held in Addis Ababa on 4 November 2010 in accordance with article 14 of the Treaty, which calls for a conference of all States parties to be convened as soon as possible after the entry into force of the Treaty to, inter alia, elect members of the African Commission on Nuclear Energy and determine its headquarters. The parties elected, with due regard to equitable regional representation, 12 members of the Commission for a three-year term. These are: Algeria, Burkina Faso, Cameroon, Ethiopia, Kenya, Libya, Mali, Mauritius, Senegal, South Africa, Togo and Tunisia. The Conference also endorsed the decision to establish the headquarters of the Commission in South Africa.

Following the First Conference of States Parties, States parties elected to the membership of the Commission submitted to the Chair of the Commission the names and credentials of high-calibre professionals with vast experience in the area of nuclear science and technology, diplomacy and security as their Commissioners. These are: Messaoud Baaliouamer of Algeria; Badiori Outtara of Burkina Faso; Augustin Simo of Cameroon; Atnatiwos Zeleke Meshesha of Ethiopia; Shaukat Abdulrazak of Kenya; Bulgasem Hammouda Ali El-Fawaris of Libya; Tezana Coulibaly of Mali; Anund P. Neewor of Mauritius; Christian Sina Diatta of Senegal; Abdul Samad Minty of South Africa; Manzi Pidalatan of Togo; and Mourad Telmini of Tunisia.

First ordinary session of the Commission

Pursuant to article 12, paragraph 3, of the Treaty of Pelindaba, which commits the Commission to meet in annual ordinary sessions, the Commission facilitated the convening of its first ordinary session in Addis Ababa on 5 May 2011. The purpose of the session was to discuss various aspects related to the effective operationalization of the Commission; these included the rules of procedure, structure, programme of work, terms of reference for the Executive Secretary, budget and scale of assessment for States parties' contributions. The session also elected the Chair and Vice-Chair of the Commission in line with the provisions of the Treaty.

Regarding the Bureau of the Commission, which is provided for in annex III, paragraph 2, to the Treaty of Pelindaba, and which should consist of the Chair, the Vice-Chair and the Executive Secretary, the first ordinary session decided that the position of Executive Secretary should be filled through a competitive process administered by the Commission and conducted in accordance with its rules and regulations. On the positions of Chair and Vice-Chair of the Commission, the session unanimously elected Abdul Samad Minty of South Africa and Mourad Telmini of Tunisia as Chair and Vice-Chair, respectively.

Furthermore, the first ordinary session requested the Commission to administer a competitive process for the recruitment of the Executive Secretary of the Commission, which the Commission finalized in February 2012. In line with the

provisions of the Treaty, the Chair of the Commission and Commission members considered and endorsed the recommendation of the recruitment panel.

On the scale of assessment, the first ordinary session agreed to adopt the scale of assessment of the African Union for 2011-2013, adopted by the seventeenth ordinary session of the Executive Council, held in Kampala on 25 July 2010.

Second ordinary session of the Commission

The second ordinary session of the Commission was held in Addis Ababa on 26 July 2012 to finalize and adopt the key documents before submitting them to the Conference of States Parties for endorsement. The session also discussed operational measures and timelines for the activation of the Commission secretariat, including the setting up and staffing of the headquarters of the Commission in accordance with minimum requirements and in the light of the preparations made by the Government of the Republic of South Africa.

Second Conference of States Parties to the Treaty of Pelindaba

Subsequently, the Second Conference of States Parties was held in Addis Ababa on 12 and 13 November 2012 in accordance with article 12, paragraph 2 (b), of the Treaty of Pelindaba, which stipulates that the Commission shall convene a Conference of States Parties on any matter arising from the implementation of the Treaty, and with article 14, paragraph 1, which stipulates that a Conference of States Parties shall be held as necessary and at least once every two years. The objective of the Second Conference of States Parties was to bring together countries of the Zone, the concerned extra-zonal countries and the relevant regional and international bodies to consider matters relating to the implementation of the Treaty and the operationalization of the Commission secretariat, as well as other issues of concern to the Zone.

The Second Conference of States Parties called on African Union member States that had not yet done so to sign and ratify the Treaty of Pelindaba without further delay. It also appealed to the concerned non-African States to speedily sign and ratify the relevant Protocols to the Treaty and to comply with all the commitments contained therein.

The Second Conference of States Parties took note of the briefing provided by the Commission and its Chair on the conclusions of the first and second ordinary sessions of the Commission. The Conference considered and adopted the documents relating to the structure of the Commission, its programme of work, budget and scale of assessment for the period 2013-2015. The Conference also took note of the rules of procedure of the Commission and the terms of reference of the Executive Secretary of the Commission secretariat. The Conference further encouraged States parties to honour their financial obligations towards the Commission.

Third ordinary session of the Commission

The third ordinary session of the Commission was held in Pretoria on 11 and 12 November 2013 to discuss matters relating to the operationalization of the Commission secretariat and the implementation of the Treaty of Pelindaba within the context of the outcome of the Second Conference of States Parties.

In implementation of the programme of work of the Commission, the third ordinary session, pursuant to rule 18 of the rules of procedure of the Commission, endorsed the establishment and membership of two working groups of the Commission for the implementation of the relevant aspects of the guidelines for the programme of work of the Commission. Group 1 was assigned to address the topics of (a) monitoring States parties' compliance with their non-proliferation obligations, and (b) nuclear and radiation safety and security, while Group 2 was assigned to address the topics of (c) nuclear sciences and applications, and (d) partnerships and technical cooperation.

The third ordinary session further considered the draft national reporting template and the draft guide for States parties for reporting under article 13 of the Treaty. It was agreed that further efforts and consultations would be undertaken in order to finalize the reporting template in due course to ensure timely reporting by States parties.

Taking into consideration that the Commissioners' three-year mandate would come to an end in 2014, the third ordinary session endorsed the proposal to convene the Third Conference of States Parties in May 2014 to, inter alia, elect 12 States parties to the membership of the Commission with a view to ensuring the continuity of the programme of work of the Commission.

Fourth ordinary session of the Commission

The fourth ordinary session of the Commission was held in Addis Ababa on 27 May 2014 to gain an overview of the progress made in implementation of the programme of work and finalize the Commission's report for submission to the subsequent Third Conference of States Parties.

Third Conference of States Parties to the Treaty of Pelindaba

The Third Conference of States Parties was held in Addis Ababa on 29 and 30 May 2014 to review the status of the operationalization of the Commission secretariat and the status of States parties' contributions to the 2013-2015 budget, and to address other issues relating to the implementation of the Treaty of Pelindaba. The Conference was also convened to elect 12 States parties, in accordance with paragraph 1 of annex III to the Treaty, to the membership of the Commission for a three-year term.

The Third Conference of States Parties took note of the comprehensive report provided by the Chair of the Commission on the status of the operationalization of the Commission secretariat and the appointment of the Executive Secretary, as well as the status of States parties' assessed contributions to the budget of the Commission for the period 2013-2015, as adopted by the Second Conference of States Parties. The Third Conference of States Parties further took note of the progress made by the Commission in implementation of the different pillars of its programme of work, including in the areas of monitoring States parties' compliance with their Treaty obligations; nuclear and radiation safety and security; nuclear sciences and applications; and partnerships and technical cooperation with the relevant regional and international bodies.

The Third Conference of States Parties welcomed the results of the assessment undertaken by the Commission, which concluded that all activities conducted by

States parties were in full compliance with the Treaty's non-proliferation obligations, while noting that important work still had to be done to strengthen safety and security programmes. It further emphasized the need for Commission activities to be geared towards providing the necessary technical expertise and support to States parties in order to fully benefit from the peaceful applications of nuclear science and technology for socioeconomic development, including in the areas of human and animal health, food and agriculture, water resources, sustainable energy development and industry.

The Third Conference of States Parties further welcomed the various initiatives undertaken by the Commission to promote and strengthen coordination and collaboration with the relevant regional and international organizations, including the African Regional Cooperative Agreement for Research, Development and Training related to Nuclear Science and Technology, the International Atomic Energy Agency, the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization and the Forum for Nuclear Regulatory Bodies in Africa, in order to optimize resources and address gaps.

The Third Conference of States Parties took note of the fact that only 26.04 per cent of the Commission's budget was covered, and thus called on all States parties to honour their financial obligations towards the budget of the Commission, as adopted by the Second Conference of States Parties, in order to enable the Commission to effectively and consistently implement its programme of work in a manner that ensures full ownership by States parties.

The Third Conference of States Parties took note of the tentative road map developed by the Commission for the period 2014-2016, which will, inter alia, work towards ensuring the appointment of national focal points by States parties, strengthening cooperation with regional and international organizations, and consideration of the establishment of regional verification systems and securing the appropriate resources, including human resources development and infrastructure.

With regard to the membership of the Commission, the Third Conference of States Parties elected, in line with the relevant provisions of annex III to the Treaty of Pelindaba, the following States parties as members of the Commission for a three-year term: Algeria, Cameroon, Ethiopia, Kenya, Libya, Mali, Mauritius, Senegal, South Africa, Togo, Tunisia and Zimbabwe.

The fifth ordinary session of the Commission is expected to be held once all elected members designate their Commissioners.

The status of ratification of the Treaty of Pelindaba can be found on the following link: http://au.int/en/sites/default/files/pelindaba%20Treaty.pdf.